

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: AUGUST 5, 2009

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SUP-34331 – ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: L. ERIC CULVERSON - OWNER: VILLAGE SQUARE SHOPPING CENTER, LLC – Appeal filed from the denial by the Planning Commission of a request for a Special Use Permit FOR A MASSAGE ESTABLISHMENT WITH A WAIVER TO ALLOW A ZERO-FOOT DISTANCE SEPARATION FROM A RESIDENTIALLY ZONED PROPERTY WHERE 400 FEET IS THE MINIMUM REQUIRED AND TO ALLOW A ZERO-FOOT DISTANCE SEPARATION FROM TWO EXISTING MASSAGE ESTABLISHMENTS WHERE 1,000 FEET IS THE MINIMUM REQUIRED at 9440 West Sahara Avenue, Suite #215 (APN 163-06-816-027), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). Note: To be heard in conjunction with Morning Session Item 75. The Planning Commission (7-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

13

City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

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City Council Meeting

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RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Appeal Memo filed by L. Eric Culverson
7. Protest/Support Postcards
8. Submitted after Meeting - Recordation Notice of Council Action and Conditions of Approval
9. Backup referenced from the June 11, 2009 Planning Commission Meeting Item 36

Motion made by STEVE WOLFSON to Approve subject to conditions and adding the following condition as read for the record:

A. All massage conducted at this location shall be with the use of an LPG mechanical device.

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

RICKI Y. BARLOW, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-STAVROS S. ANTHONY)

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Minutes:

MAYOR GOODMAN declared the Public Hearing open.

ERIC CULVERSON, 9440 West Sahara Avenue, and GRETCHEN GIVONE, Training Director for LPG Equipment, were present. MR. CULVERSON explained that a license was being requested for a massage establishment to be able to perform Endermologie, which is a mechanical procedure to treat cellulite and is now governed by the State through its requirement that all Endermologie service providers be licensed massage therapists.

MS. GIVONE explained that the goal is to provide training in the use of this new Endermologie device throughout the United States. However, sporadic training sessions will be held at the subject location. She assured the Council that there is no intention to provide massage; only training.

COUNCILMAN WOLFSON ascertained that MR. CULVERSON owns the business and that his intent is to supplement the business with Endermologie treatments. MS. GIVONE explained the procedure and pointed out that at no time during the procedure is there any hand-on-body contact.

At the request of COUNCILMAN WOLFSON, MARGO WHEELER, Director of Planning and Development, explained that distance separation is defined between property lines, not between leasable units. Therefore, the shopping center immediately abuts residential property and that is the reason for requiring that a waiver be obtained, giving Council full discretion to determine whether the use's location would be detrimental to the area.

After looking at the specific location of the business on an aerial map, COUNCILMAN WOLFSON stated that the business is clearly located in the center of the shopping center, which puts it at more than 400 feet from the nearest residential property. Therefore, he supported the application, noting that the Council's goal is to encourage businesses and their growth.

MS. WHEELER read an added condition and MR. CULVERSON agreed to it.

MAYOR GOODMAN declared the Public Hearing closed.